

# Polsinelli

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December 8, 2008

Ms. Barbara Peterson  
United States Environmental Protection Agency  
Region 7  
901 N. 5th Street  
Kansas City, KS 66101-2907

**Re: Beatrice Former Manufactured Gas Plant ("Site")**

Dear Ms. Peterson:

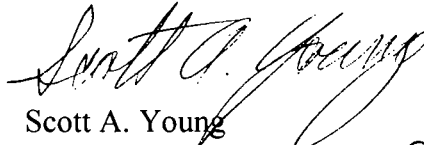
This letter is a follow up to our telephone conversations last week. Centel and the City of Beatrice ("City") have completed the first round of sampling and characterization at the Site pursuant to the Administrative Settlement Agreement and Order on Consent for Engineering Evaluation/Cost Analysis ("Order").

The information compiled during this work has determined that a portion of the former manufactured gas plant's operations, including a gas holder, existed on property currently owned by the Burlington Northern Railroad ("Railroad"). This property has been owned by the Railroad and its corporate predecessors since at least 1892 ("Railroad Property"). (A chart detailing ownership of the Railroad Property is attached as **Exhibit A**.)

Neither the Railroad nor the Railroad Property is currently subject to the Order. Centel and the City will be unable to complete the work required under the Order without the active assistance and participation of the Railroad. A map identifying the FMGP activities on the Railroad Property and their relationship to the Site is attached as **Exhibit B**.

Once you have had a chance to review these materials, please call.

Sincerely,

  
Scott A. Young

SAY:bks  
Encl.

ATB



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cc: John Chapman  
Ed Clement  
K. C. Engdahl  
Neil Niedfedt  
Tobias Tempelmeyer  
Brian Wiedower

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SAYOU 300395

**BEATRICE Owners and Operators**  
**(Block 72)**

PRP	Dates of Ownership	Operating	Status
<b>LOTS 1 – 5</b>			
Begole and Vanarsdale Company 34	1902 - 1906	No	No record.
Chicago, Burlington & Quincy Railroad Company <sup>1</sup> 35	1906 – 1990 (Lots 1-4) 1907 – 1990 (Lot 5)	Yes – parent/successor	Parent company exists. <sup>2</sup>
Glacier Park Company 38	9/8/1990 to 10/10/1990 (Lots 1 – 5)	No	A Delaware corporation; inactive as a Nebraska foreign corporation <sup>3</sup>
Custom Fixtures, Inc. <sup>4</sup> 39	1990 – Present	Yes	Active <sup>5</sup>
<b>LOT 6</b>			
John V. vonSteen; The John H. Von Steen Company <sup>6</sup> 46, 47, 49	1905 – 1926		No record.
Central Cooperative Creamery Company 48	1926 – 1957 (pt. Lot 6)	No	No record.
Schottler Modern Fixtures (partnership) 50, 51, 52	1957 – 1966 (Lot 6 reunified)	No	Inactive, but is likely a predecessor to Ratigan – Schottler and Custom Fixtures, Inc.
Custom Fixtures, Inc. <sup>7</sup> 53	1966 – Present	Yes	Active as described regarding Lots 1-5.

<sup>1</sup> Chicago, Burlington & Quincy Railroad Company changed to Burlington Northern Railroad Company, a Delaware corporation on March 2, 1970.

<sup>2</sup> Chicago, Burlington and Quincy, which merged with Burlington Northern Railroad on March 21, 1970 and later merged with Santa Fe Railway on December 31, 1996 to form Burlington Northern Santa Fe Railway, which is now a subsidiary of Burlington Northern Santa Fe Corp.

<sup>3</sup> Incorporated in DE 4/15/74.

<sup>4</sup> Ratigan – Schottler Manufacturing lists Custom Fixtures, Inc. as its contact; Custom Fixtures, Inc. may be the parent company.

<sup>5</sup> Manufactures institutional furniture, general educational facility fixtures, cafeteria and lunchroom furnishings, and general classroom furnishings. The Nebraska Secretary of State records indicate that they are the manufacturer of solid oak pews, chairs and chancel furniture. Also, it is possible that Ratigan-Schottler Manufacturing is a subsidiary thereof; has the same address as Custom Fixtures, Inc. and lists Custom Fixtures, Inc. as its contact on the NE SofS records.

<sup>6</sup> Deed (# 47) states “manufacturing business.”

PRP	Dates of Ownership	Operating	Status
<b>LOTS 7 – 9</b>	1993 - 1996		
Omaha and South Western Rail Road Company  (The Burlington Northern and Santa Fe Railway Company) 66	1892 – 1999 (pt Lots 7-9)	Yes – parent/successor	Burlington Northern Santa Fe Corporation is present owner. <sup>8</sup>  Lot 9 was never transferred when Lots 7-8 were transferred.
ANT, LLC, a Delaware LLC 67, 68	1999 – 2003 (Lots 7 – 8)	Yes	Inactive as a foreign LLC in Nebraska, but may exist as DE LLC; there is a ANT II, LLC as an active foreign LLC in Nebraska.
The Burlington Northern and Santa Fe Railway Company 69	2003 – Present (Lots 7-8)	Yes	Existing with Burlington Northern Santa Fe Corporation the parent thereof.
<b>LOTS 10 – 12</b>			
Omaha and South Western Rail Road Company 80	1887 - Present <sup>9</sup>	Yes – parent/successor	Burlington Northern Santa Fe Corporation is present owner <sup>10</sup>

<sup>7</sup> Also owns Lots 1-5 as described in FN 4 above.

<sup>8</sup> Omaha and Southwestern Railroad was a subsidiary of Chicago, Burlington and Quincy, which merged with Burlington Northern Railroad on March 21, 1970 and merged with Santa Fe Railway on December 31, 1996, and is now a subsidiary of Burlington Northern Santa Fe Corp.

<sup>9</sup> Successor Burlington Northern Santa Fe Corporation is the successor to Omaha and Southwestern Railroad Company.

<sup>10</sup> Omaha and Southwestern Railroad was a subsidiary of Chicago, Burlington and Quincy, which merged with Burlington Northern Railroad on March 21, 1970 and merged with Santa Fe Railway on December 31, 1996, and is now a subsidiary of Burlington Northern Santa Fe Corp.



EXHIBIT B